

SAINT REGIS MOHAWK TRIBAL COURT

Corleen Jackson,
Claimant

-V-

Nancy Oakes,
Respondent

Case No.: 19-LND-00008

TEMPORARY RESTRAINING ORDER DECISION AND ORDER

Procedural History

On October 11, 2019, Corleen Jackson filed a land dispute claim against Nancy Oakes. A request for a temporary restraining order was included with the land dispute complaint.

The Court issued an Order on October 11, 2019, denying the motion as the Claimant had no proof of standing.

Subsequently on October 11, 2019, Corleen Jackson resubmitted the request with an alleged power of attorney by Ellen (Olive) Gray Leckner

Jurisdiction

The Saint Regis Mohawk Land Laws & Land Dispute Ordinance (SRMT LL&LDO) states that the "Saint Regis Mohawk Tribal Court shall have jurisdiction over land disputes."¹ The present matter comes to the Court as a land dispute, thus the Court exercises jurisdictional authority over the present dispute pursuant to the SRMT LL&LDO.

Analysis

The Saint Regis Mohawk Rules of Civil Procedure allow a party to request a temporary restraining order without notice to the other party.² The Claimant, Corleen Jackson, has not yet filed proof of service, thus her second request will also be considered a request for a temporary restraining order. The Claimant must show that she will suffer "permanent loss or injury if the order is not issued before the opposing party can be notified and heard and that he or she made a reasonable attempt to notify the opposing party of the time when the request would be made."³

Ms. Jackson submitted a document signed by Ellen G. Leckner on November 28, 2006, which requests that her granddaughter, Corleen Jacco, be named as her Power-of-Attorney on her behalf regarding the estate. The document is a letter dated November 27, 2006 to the Saint Regis Mohawk Tribal Council regarding a land dispute. It is notarized. It is unusual, as it is requesting Ms. Jackson be

¹ SRMT Land Laws and Land Dispute Ordinance § VI. A.

² SRMT Rules of Civil Procedure § XII [Rule 9] D.

³ SRMT Rules of Civil Procedure § XII [Rule 9] D.

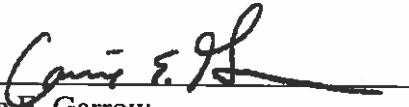
named the Power of Attorney, rather than designating her. However, the Court will accept it as evidence of the Claimant's standing.

Ms. Jackson states that there are three loads of gravel and a backhoe on Lot #145. She also states she went to the property three months ago and stopped a backhoe operated by Timmy Papineau. However, Ms. Jackson fails to provide any evidence that the Respondent, Nancy Oakes, caused the gravel or backhoe to be placed on Lot #145. The SRMT Rules of Civil Procedure state that an injunction, or restraining order, can only be issued if the party demonstrates there is a good chance they will win the lawsuit.⁴ Thus, the Court cannot issue any form of injunctive relief without some evidence that Nancy Oakes is causing the injury to Lot #145.

ORDER

The request for a Temporary Restraining Order is **DENIED**.

Signed this 16 day of October, 2019.


Carrie E. Garrow,
Chief Judge
Saint Regis Mohawk Tribal Court

No later than ten (10) days after a judgment is final, a party may ask the Judge for a rehearing, reconsideration, correction vacation, or modification of the judgment. The parties have thirty (30) days from the entry of this Order to file an appeal with the Saint Regis Mohawk Court of Appeals.

⁴ SRMT Rules of Civil Procedure § XII [Rule 9] A.

Saint Regis Mohawk Tribal Court

Physical Address:

Tribal Justice Building
545 State Route 37
Akwesasne, NY 13655
Phone: (518) 358-6300
https://www.srmt-nsn.gov/tribal_court

Chief Judge Carrie E. Garrow
Associate Judge Barbara R. Potter
Associate Judge Patrick Solomon
Associate Judge Lisa Garabedian

VIA MAIL

Corleen Jackson
197 Saint Regis Road
Akwesasne, N.Y. 13655

October 16, 2019

Greetings/Sekon,

Please be advised that the attached decision in the matter of *19-LND-00008 Corleen Jackson v Nancy Oakes* was entered into the docket book on October 11, 2019 in accordance with the Saint Regis Mohawk Tribe Rules of Civil Procedure.

Respectfully/Skenna



Ms. Karen Connors-Oakes Court Clerk
Saint Regis Mohawk Tribal Court